



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2012 REGULAR SESSION

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HOUSE BILL NO. 311

AS ENACTED

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FRIDAY, MARCH 30, 2012

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SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Alison Grimes

1 AN ACT relating to activities regulated by the Kentucky Board of Hairdressers and  
2 Cosmetologists.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔Section 1. KRS 317A.010 is amended to read as follows:

5 As used in this chapter, unless the context requires otherwise:

6 (1) "Beauty salon" means any establishment in which the practice of cosmetology is  
7 conducted for the general public or for consideration;

8 (2) "Cosmetologist" means a person who engages in the practice of cosmetology for the  
9 public generally or for consideration, regardless of the name under which the  
10 practice is conducted;

11 (3) "Cosmetologist board" or "board" means the Kentucky Board of Hairdressers  
12 and Cosmetologists;

13 (4)(2) "Cosmetology" means the practice upon the human neck and head,  
14 principally of the human female, of cutting hair, permanent waving, or  
15 hairdressing, and ~~marcelling, but~~ may also include but is not limited to:

16 (a) Nail technology and finger waving;

17 (b) Giving facial and scalp massage or treatments with oils, creams, lotions, or  
18 ~~other~~ preparations, either by hand or any contrivance;

19 (c) Shaping, designing~~[Singeing]~~, shampooing, pressing, arranging, tinting, or  
20 ~~lightening~~~~[bleaching]~~ the hair, or applying hair products~~[tonics]~~;

21 (d) Applying to the neck or head, cosmetics, lotions, powders, oils, clays, or other  
22 products~~[preparations]~~;

23 (e) Eyelash extensions;

24 (f) Facial hair removal; and

25 (g) Eyebrow shaping, design, threading or removal;

26 The practice of cosmetology does not include acts performed incident to treatment  
27 of an illness or a disease;

~~[(3) "Beauty salon" means any establishment in which the practice of cosmetology is conducted for the general public or for consideration;]~~

(5) "Cosmetology school" or "school of cosmetology" means any operation, place, or establishment in or through which persons are trained or taught the practice of cosmetology and nail technology;

(6) "Nail salon" means any establishment in which the practice of nail technology only is conducted for the general public or for consideration;

(7) "Nail technician" means a person who practices nail technology for the general public or for consideration;

~~(8)~~[(4)] "Nail technology" means the practice of cutting, trimming, polishing, coloring, cleansing, applying artificial nails, or massaging, cleaning, treating, or beautifying the hands and feet of any human, for which a license is required by this chapter; and

~~[(5) "Nail technician" means a person who practices nail technology for the general public or for consideration;~~

~~(6) "Nail salon" means any establishment in which the practice of nail technology only is conducted for the general public or for consideration;~~

~~(7) "Cosmetologist board" or "board" means the Kentucky Board of Hairdressers and Cosmetologists; and~~

~~(8) "Cosmetology school" or "school of cosmetology" means any operation, place, or establishment, licensed pursuant to KRS 317A.050, in or through which persons are trained or taught the practice of cosmetology and nail technology]~~

(9) "Threading" means the process of removing hair from below the eyebrow by use of a thread woven through the hair to be removed.

➔Section 2. KRS 317A.020 is amended to read as follows:

(1) No person shall engage in the practice of cosmetology or nail technology for other than cosmetic purposes nor shall any person engage in the practice of cosmetology

1 or nail technology for the treatment of physical or mental ailments. The provisions  
2 of this chapter do not apply to:

3 (a) Persons authorized by the law of this state to practice medicine, podiatry,  
4 optometry, dentistry, chiropractic, nursing, or embalming who perform  
5 incidental practices of cosmetology and nail technology in the normal course  
6 of the practice of their profession; and

7 (b) Commissioned medical or surgical personnel of the United States Army,  
8 Navy, Air Force, or Marine Hospital Service who perform incidental practices  
9 of cosmetology or nail technology in the course of their duties.

10 (2) Except as provided in subsection (1) of this section, no person shall engage in the  
11 practice of cosmetology or nail technology for the public, generally, or for  
12 consideration without the appropriate license required by this chapter.

13 (3) No person unless duly and properly licensed pursuant to this chapter shall:

14 (a) Teach cosmetology or nail technology;

15 (b) Operate a beauty salon;

16 (c) Engage in a cosmetology apprenticeship;

17 (d) Operate a nail salon;

18 (e) Act as a nail technician; or

19 (f) Conduct or operate a school for cosmetologists or nail technicians.

20 (4) No person shall aid or abet any person in violating the provisions of this section, nor  
21 shall any person engage or employ for consideration any person to perform any  
22 practice licensed by this chapter unless the person to perform the practice holds and  
23 displays the appropriate license.

24 (5) No licensed cosmetology instructors, licensed cosmetologists, or licensed nail  
25 technicians shall hold clinics for teaching or demonstrating for personal profit,  
26 either monetary or otherwise, if the clinics are not sponsored by a recognized  
27 professional hairdresser's, cosmetologist's, or nail technician's group.

1 (6) Whenever a person engages in different practices separately licensed, certified, or  
 2 permitted by the provisions of this chapter, that person shall procure a separate  
 3 license, certificate, or permit for each of the practices in which the person~~he~~  
 4 engages.

5 ➔Section 3. KRS 317A.030 is amended to read as follows:

6 (1) There is created an independent agency of the state government to be known as the  
 7 Kentucky Board of Hairdressers and Cosmetologists, which shall have complete  
 8 supervision over the administration of the provisions of this chapter relating to  
 9 cosmetology, cosmetologists, schools of cosmetology, students enrolled in  
 10 cosmetology, apprentice cosmetologists, nail technicians, teachers of cosmetology,  
 11 cosmetology salons, and nail salons.

12 (2) The cosmetologist board shall be composed of five (5) members appointed by the  
 13 Governor as follows:

14 (a) Four (4) of the members shall have been cosmetologists five (5) years prior to  
 15 their appointment and shall reside in Kentucky:~~;~~

16 1.~~(b)~~ Two (2) of whom shall be cosmetology salon owners;

17 2.~~(c)~~ One (1) of whom shall be a cosmetology teacher in public  
 18 education and shall not own any interest in a cosmetology salon; and

19 3.~~(d)~~ One (1) of whom shall be an owner of or one who shall have a  
 20 financial interest in a licensed cosmetology school and shall be a  
 21 member of a nationally recognized~~nationally-recognized~~ association  
 22 of hairdressers and cosmetologists;

23 (b)~~(e)~~ One (1) member shall be a citizen at large who is not associated with or  
 24 financially interested in the practices or businesses regulated; and

25 (c)~~(f)~~ None of whom nor the administrator shall be financially interested in, or  
 26 have any financial connection with, wholesale cosmetic supply or equipment  
 27 businesses.

1 At all times in the filling of vacancies of membership on the board, this balance of  
2 representation shall be maintained.

3 (3) Appointments shall be for a term of two (2) years,~~[-except that of the members~~  
4 ~~appointed after July 15, 1998, two (2) members appointed to fill the terms expiring~~  
5 ~~July 1, 1999, shall serve until February 1, 2000; and three (3) members appointed to~~  
6 ~~fill the terms expiring July 1, 2000, shall serve until February 1, 2001; and~~  
7 ~~subsequent appointments shall be for two (2) year terms]~~ ending on February 1.

8 (4) The Governor shall not remove any member of the board except for cause.

9 (5) The board shall elect from its members a chair~~[chairman]~~, a vice chair~~[chairman]~~,  
10 and a secretary.

11 (6) Three (3) members shall constitute a quorum for the transaction of any board  
12 business.

13 (7) Each member of the board shall receive one hundred dollars (\$100) per day for each  
14 day of attendance at board meetings, and shall be reimbursed for necessary traveling  
15 expenses and necessary expenses incurred in the performance of duties pertaining to  
16 official business of the board.

17 (8) The board shall hold meetings at the place in the state and at the times deemed  
18 necessary by the board to discharge its duties.

19 ➔Section 4. KRS 317A.040 is amended to read as follows:

20 (1) The cosmetologist~~[cosmetology]~~ board may employ inspectors and such other  
21 personnel as may be reasonably necessary to carry out the provisions of this chapter,  
22 whose compensations shall be established within budgetary limits by the Personnel  
23 Cabinet.~~;~~

24 (2) The cosmetologist~~[cosmetology]~~ board shall by appropriate order employ an  
25 administrator who shall be charged with the responsibility of administering the  
26 provisions of this chapter, and the policies and administrative regulations of the  
27 board relating to hairdressing and cosmetology.~~;~~

1 (3) No person shall be employed as an administrator unless the person~~[he]~~ is a licensed  
2 cosmetologist~~[;]~~

3 (4) The administrator may receive a salary of \$7,500 per annum, or such compensation  
4 as may be established by classification of the position by the Personnel Cabinet~~[;]~~

5 (5) The cosmetologist~~[cosmetology]~~ board shall publish or electronically provide~~[and~~  
6 ~~distribute]~~ copies of its administrative~~[rules and]~~ regulations and revisions thereof  
7 to all persons licensed by it and to such other persons, places, or agencies as may be  
8 required by law or deemed by it reasonably necessary to the administration of the  
9 provisions of this chapter, but such publications shall be clearly marked, stamped,  
10 or printed "Informational Copy."

11 ➔ Section 5. KRS 317A.050 is amended to read as follows:

12 (1) The cosmetologist board shall issue an apprentice cosmetologist license to any  
13 person who:

14 (a) Is of good moral character and temperate habit;

15 (b) Is at least sixteen (16) years of age;

16 (c) Has a high school diploma, General Educational Development (GED)  
17 diploma, or the results from the Test for Adult Basic Education indicating a  
18 score equivalent to the twelfth grade of high school~~[at least two (2) years'~~  
19 ~~high school education or its equivalent]~~;

20 (d) Has official certification from the state board or agency that certifies  
21 cosmetology schools that the applicant has graduated from a licensed school  
22 of cosmetology requiring one thousand eight hundred (1,800) hours within  
23 ten (10) years of submitting an application for licensure;

24 (e) Has passed an examination prescribed by the board to determine fitness to  
25 practice as an apprentice cosmetologist; and

26 (f) Has paid a fee of twenty-five~~[twelve]~~ dollars (\$25)~~[(12)]~~.

27 (2) The cosmetologist board shall issue a cosmetologist license to any person who:

- 1 (a) Has a high school diploma, General Educational Development (GED)  
 2 diploma, or the results from the Test for Adult Basic Education indicating a  
 3 score equivalent to the twelfth grade of high school~~[at least two (2) years'~~  
 4 ~~high school education, or its equivalent]~~;
- 5 (b) Has practiced as a licensed cosmetology apprentice for at least six (6) months  
 6 under the immediate supervision of a licensed cosmetologist;
- 7 (c) Has satisfactorily passed an examination prescribed by the board to determine  
 8 fitness to practice cosmetology; and
- 9 (d) Has paid a fee of ~~twenty-five~~~~[fifteen]~~ dollars ~~(\$25)~~~~(\$15)~~.
- 10 (3) The cosmetologist board shall issue a license to act as a nail technician to any  
 11 person who:
- 12 (a) Is of good moral character and temperate habit;
- 13 (b) Has official certification from the state board or agency that certifies  
 14 cosmetology schools that the applicant has completed satisfactorily a nail  
 15 technician course of study of six hundred (600) hours in a licensed school of  
 16 cosmetology within ten (10) years of submitting an application for  
 17 licensure;
- 18 (c) Has satisfactorily passed an examination prescribed by the board to determine  
 19 fitness to practice as a nail technician;
- 20 (d) Has a high school diploma, General Educational Development (GED)  
 21 diploma, or the results from the Test for Adult Basic Education indicating a  
 22 score equivalent to the twelfth grade of high school~~[two (2) years of high~~  
 23 ~~school education or its equivalent]~~; and
- 24 (e) Has paid a fee of ~~twenty-five~~~~[twelve]~~ dollars ~~(\$25)~~~~(\$12)~~.
- 25 (4) (a) The cosmetologist board shall issue a license to operate a beauty salon to any  
 26 licensed cosmetologist upon receipt of the completed application,  
 27 accompanied by a fee of ~~thirty-five~~~~[twenty-five]~~ dollars ~~(\$35)~~~~(\$25)~~. The



board may refuse to issue a license if the applicant fails to comply with the provisions of this chapter or the administrative regulations promulgated by the board. If an owner is not a licensed cosmetologist, he or she shall have a licensed cosmetologist manage the beauty salon at all times. A new license shall be purchased if the salon's owner, manager, or location changes.

(b) The cosmetologist board shall issue a license to operate a nail salon to any licensed nail technician upon receipt of the completed application and payment of a fee of ~~thirty-five~~<sup>[twenty-five]</sup> dollars ~~(\$35)~~<sup>[( \$25)]</sup>. The board may refuse to issue a license if the applicant fails to comply with the provisions of this chapter or administrative regulations promulgated by the board pursuant to this chapter. An owner who is not a licensed nail technician shall have a licensed nail technician or cosmetologist as manager of the nail salon at all times. If the owner, manager, or location of a nail salon changes, a new license shall be purchased.

(c) Any person who leases or rents space in a beauty salon or nail salon shall be considered an independent owner and shall meet the qualifications for the respective salon owner as set out in paragraphs (a) and (b) of this subsection.

(5) The cosmetologist board shall issue an apprentice license to teach cosmetology to any person who:

(a) Has paid a fee of ~~thirty-five~~<sup>[twenty-five]</sup> dollars ~~(\$35)~~<sup>[( \$25)]</sup>;

(b) Has a high school diploma, General Educational Development (GED) diploma, or the results from the Test for Adult Basic Education indicating a score equivalent to the twelfth grade of high school~~[a high school education]~~ and one (1) year experience as a licensed cosmetologist; and

(c) Has submitted an application that has been signed by the owners of the school in which the applicant will study. The course of instruction shall be for a period of one thousand (1,000) hours and not less than six (6) months at one

1 (1) school providing this instruction. The school owner shall verify~~[certify]~~ to  
 2 the board the completion of one thousand (1,000) hours. For out-of-state  
 3 verification, an applicant shall provide official certification from the board  
 4 or agency that certifies schools in that other state of licensure verifying the  
 5 applicant has completed a course of instruction consisting of at least one  
 6 thousand (1,000) hours and not less than six (6) months at one (1) school  
 7 providing the instruction.

8 (6) The cosmetologist board shall issue a license to teach cosmetology to any person  
 9 who:

- 10 (a) Is of good moral character and temperate habit;
- 11 (b) Has a high school diploma, General Educational Development (GED)  
 12 diploma, or the results from the Test for Adult Basic Education indicating a  
 13 score equivalent to the twelfth grade of high school~~[a high school~~  
 14 ~~education]~~;
- 15 (c) Has held an apprentice instructor license for at least six (6) months;
- 16 (d) Has satisfactorily passed the examination for the teaching of cosmetology as  
 17 prescribed by the board; and
- 18 (e) Has paid a fee of fifty~~[thirty-five]~~ dollars (\$50)~~[\$35]~~.

19 (7) The cosmetologist board may issue a license to operate a school of cosmetology to  
 20 any person who:

- 21 (a) Has complied with the administrative regulations promulgated by the board  
 22 including~~[,]~~ but not limited to~~[,]~~ administrative regulations governing the  
 23 necessary equipment, supplies, and facilities;
- 24 (b) Has furnished proof to the board that the school of cosmetology is needed,  
 25 that he or she is otherwise qualified to operate a school of cosmetology, and  
 26 that he or she intends to establish a bona fide school for the education and  
 27 training of competent cosmetologists and that he or she will employ a

1 sufficient number of licensed instructors of cosmetology to conduct the  
2 school;

3 (c) Has~~[That the licensee shall have]~~ as manager at all times a person who is:

- 4 1. Licensed as an instructor;~~[who will be]~~
- 5 2. Charged with the responsibility of ensuring that all applicable statutes  
6 and administrative regulations are complied with; and
- 7 3. Responsible for having a sufficient number of licensed instructors of  
8 cosmetology to conduct the school.

9 The designated manager shall be approved by the board before a license may  
10 be issued;

11 (d) Complies with the administrative regulations promulgated by the board  
12 including~~[,]~~ but not limited to~~[,]~~ those regarding courses, curriculum, and  
13 hours of instruction;

14 (e) Otherwise complies with this chapter;

15 (f) Has paid a fee of one thousand five hundred dollars (\$1,500)~~(\$1,000)~~;

16 (g) Has been a resident of Kentucky for five (5) years, if the applicant is an  
17 individual. If the applicant is a firm or corporation, it shall be a Kentucky  
18 corporation or licensed or qualified to do business in Kentucky and shall have  
19 been in existence for a period of at least five (5) years;

20 (h) Any student enrolling in the school shall pay a fee of fifteen~~five~~ dollars  
21 (\$15)~~(\$5)~~ to the board before enrollment in the school shall be allowed; and

22 (i) The transfer of any license to operate a school of cosmetology shall require the  
23 board's approval and shall become effective upon filing a new application  
24 with the board and paying a fee of one thousand five hundred dollars  
25 (\$1,500)~~(\$1,000)~~.

26 (8) Licenses and permits issued by the board may~~shall~~ be renewed upon receipt,  
27 beginning July 1 through July 31 of each year.~~[Beginning July 1, 1997, any license~~

~~shall be renewed by the board upon receipt, if the applicant has provided proof of continuing education as determined by the board by promulgation of an administrative regulation. Cosmetology instructors shall provide proof of eight (8) clock hours of continuing education, and cosmetologists and nail technicians shall provide proof of six (6) clock hours of continuing education.]~~ The application for renewal shall be completed in full and accompanied by the appropriate renewal fee required by subsection (9) of this section. Applications for renewal shall comply with the provisions of this chapter and the administrative regulations promulgated by the board. Any license application received or postmarked after July 31 shall be considered expired, and the appropriate restoration fee required by subsection (11) of this section shall apply.~~[The administrative regulations established under this subsection shall allow continuing education credit to be awarded for educational programs sponsored by professional and trade groups that are presented as part of the trade show agenda, upon the professional or trade group or the program's sponsor making application to the board. Programs that focus on specific or brand-name products or promote or advertise a particular product shall be approved for continuing education credit if they, except for the use of specific or brand-name products, meet the criteria required for continuing education programs that use generic products.]~~

(9) The annual renewal license or permit fee for each type of license or permit renewal shall be as follows:

- (a) Apprentice cosmetologist -- \$20~~[\$10]~~;
- (b) Cosmetologist -- \$20~~[\$12]~~;
- (c) Nail technician -- \$20~~[\$10]~~;
- (d) Beauty salon -- \$25~~[\$15]~~;
- (e) Nail salon -- \$25~~[\$15]~~;
- (f) Apprentice instructor of cosmetology -- \$25~~[\$15]~~;

- 1 (g) Instructor of cosmetology -- ~~\$35;~~~~[\$25; and]~~
- 2 (h) Cosmetology school -- ~~\$150;~~~~[\$100]~~
- 3 (i) Threading permit -- \$20; and
- 4 (j) Threading facility permit -- \$25.
- 5 (10) Applications for examinations required by this section shall be accompanied by an
- 6 examination fee as follows:
- 7 (a) Apprentice cosmetologist -- ~~\$75~~~~[\$25];~~
- 8 (b) Cosmetologist -- ~~\$75~~~~[\$35];~~
- 9 (c) Nail technician -- ~~\$75~~~~[\$35];~~
- 10 (d) Instructor of cosmetology -- ~~\$100~~~~[\$50];~~
- 11 (e) Cosmetologist out-of-state -- ~~\$120~~~~[\$75]; and~~
- 12 (f) Instructor out-of-state -- ~~\$200~~~~[\$150; and~~
- 13 ~~(g) Where examination is not required by the board -- \$50].~~
- 14 (11) The fee for the restoration of an expired license where the period of expiration does
- 15 not exceed five (5) years from date of expiration, shall be as follows:
- 16 (a) Apprentice cosmetologist -- ~~\$75~~~~[\$50];~~
- 17 (b) Cosmetologist -- ~~\$75~~~~[\$50];~~
- 18 (c) Nail technician -- ~~\$75~~~~[\$50];~~
- 19 (d) Beauty salon -- ~~\$75~~~~[\$50];~~
- 20 (e) Nail salon -- ~~\$75~~~~[\$50];~~
- 21 (f) Cosmetology school -- ~~\$750~~~~[\$500];~~
- 22 (g) Instructor -- ~~\$100~~~~[\$75]; and~~
- 23 (h) Apprentice instructor -- ~~\$75~~~~[\$50].~~
- 24 (12) The requirements for a new license for any person whose license has expired for a
- 25 period exceeding five (5) years shall be as follows:
- 26 (a) Cosmetologists shall retake and pass the practical examination only;
- 27 (b) Apprentice cosmetologists shall complete four~~one~~ hundred fifty

1           ~~(450)~~~~[(150)]~~ additional hours training in a licensed school of cosmetology and  
 2           pass all the prescribed examinations~~[examination]~~;

3           (c) Instructors of cosmetology shall retake and pass both the practical and  
 4           theory~~[science]~~ examination;

5           (d) Nail technicians shall retake and pass the practical and theory examination~~[-~~  
 6           only]; and

7           (e) The appropriate restoration fee as set forth in subsection (11) of this section  
 8           shall be required.

9   (13) Guest artists or demonstrators appearing and demonstrating before persons other  
 10       than licensed hairdressers, cosmetologists, and nail technicians shall pay a fee of  
 11       fifty~~[thirty-five]~~ dollars ~~(\$50)~~~~[(35)]~~ for a permit that shall be in effect for ten (10)  
 12       days. Guest artists performing before a nonprofit, recognized professional  
 13       hairdressers, cosmetologists, cosmetology school, or~~[and]~~ nail technicians group  
 14       shall apply for a permit, but shall not be required to pay the fee.

15   (14) The board shall issue a permit for threading and may promulgate administrative  
 16       regulations that set out requirements for the practice of threading upon payment  
 17       of a fee of twenty dollars (\$20). Threading shall be conducted in a licensed beauty  
 18       salon or facility permitted to engage in threading, and the board may promulgate  
 19       administrative regulations for facilities and the required sanitation standards~~[an~~  
 20       inactive license to any person licensed under subsections (2), (3), and (6) of this  
 21       section and in good standing with the board, upon application and submission of a  
 22       twelve dollar (\$12) fee. An inactive licensee shall not be required to complete the  
 23       continuing education requirements contained in subsection (8) of this section. An  
 24       inactive license may be restored to active status upon application to the board. In  
 25       addition, the board may require the completion of continuing education not to  
 26       exceed the amount required for license renewal for one (1) year. A person who  
 27       possesses an inactive license shall not engage in the practice of cosmetology for

1       ~~consideration, but an inactive licensee shall have the same right to purchase~~  
 2       ~~supplies as accorded an active licensee~~].

3       (15) The fee for certification shall be twenty~~[five]~~ dollars (\$20)~~[(5)]~~.

4       (16) The fee for a duplicate license shall be twenty-five~~[five]~~ dollars (\$25)~~[(5)]~~.

5       ➔ Section 6. KRS 317A.060 is amended to read as follows:

6       (1) The cosmetologist board shall promulgate administrative regulations governing the  
 7       operation of any schools and salons of cosmetology and nail technology including~~[,]~~  
 8       but not limited to~~[,]~~ administrative regulations to protect the health and safety of the  
 9       public, to protect the public against misrepresentation, deceit, or fraud in the  
 10       practice or teaching of beauty culture, to set standards for the operation of the  
 11       schools and salons, and to protect the students under the provisions of this chapter.

12       (2) The administrative regulations *promulgated by the board* shall also address:

13       (a) The location and housing of beauty salons or cosmetology schools ~~[and the~~  
 14       ~~number of licenses for schools]~~ in the state. To this end, the board may make  
 15       reasonable divisions and subdivisions of the state. This subsection does not  
 16       apply to the instructional programs in cosmetology in the state area vocational  
 17       *and technical* schools;

18       (b) The quantity and quality of equipment, supplies, materials, records, and  
 19       furnishings required in beauty salons, nail salons, or cosmetology schools;

20       (c) The training and supervision of cosmetology apprentices;

21       (d) The qualifications of teachers of cosmetology and apprentice teachers of  
 22       cosmetology;

23       (e) The hours and courses of instruction at cosmetology schools;

24       (f) The examinations of applicants for licenses;

25       (g) The proper education and training of students; and

26       (h) The course and conduct of school owners, instructors, apprentice instructors,  
 27       licensed cosmetologists, nail technicians, beauty salons, nail salons, and

1 cosmetology schools.

2 ~~(3)~~~~(2)~~ Administrative regulations pertaining to health and sanitation shall be  
3 approved by the *Cabinet for Health and Family Services*~~[Department for Public~~  
4 ~~Health]~~ before becoming effective.

5 ➔Section 7. KRS 317A.062 is amended to read as follows:

6 (1) Notwithstanding the provisions of this chapter to the contrary, the cosmetology  
7 board shall promulgate administrative regulations establishing a reasonable  
8 schedule of fees and charges for examinations, for the issuance of licenses, and for  
9 the renewal of licenses issued under this chapter. All such fees, charges, and other  
10 moneys collected by the board, shall be paid into the State Treasury and credited to  
11 a trust and agency fund established under KRS 317A.080. The fees shall be  
12 established pursuant to subsections (2) to (7) of this section.

13 (2) The following licensing fees may be assessed by the cosmetology board and shall  
14 not exceed the following amounts:

15	(a) Apprentice cosmetologist .....	\$25.00 <del>[;]</del>
16	(b) Cosmetologist .....	\$25.00 <del>[;]</del>
17	(c) Nail technician .....	\$25.00 <del>[;]</del>
18	(d) Beauty salon operator .....	\$35.00 <del>[;]</del>
19	(e) Nail salon operator .....	\$35.00 <del>[;]</del>
20	(f) Apprentice cosmetology instructor .....	\$35.00 <del>[;]</del>
21	(g) Cosmetology instructor .....	\$50.00 <del>[;]</del>
22	(h) School of cosmetology .....	\$1,500.00 <del>[;]</del>
23	(i) Student .....	\$15.00 <del>[;]</del>
24	(j) School of cosmetology, transfer of ownership .....	\$1,500.00
25	<u><i>(k) School of cosmetology, manager change.....</i></u>	<u><i>\$250.00</i></u>

26 (3) The board shall assess the following licensing renewal fees that shall not exceed the  
27 following:



- 1 (a) Apprentice cosmetologist ..... \$20.00~~[.]~~
- 2 (b) Cosmetologist ..... \$20.00~~[.]~~
- 3 (c) Nail technician license ..... \$20.00~~[.]~~
- 4 (d) Beauty salon license ..... \$25.00~~[.]~~
- 5 (e) Nail salon license ..... \$25.00~~[.]~~
- 6 (f) Apprentice instructor of cosmetology ..... \$25.00~~[.]~~
- 7 (g) Instructor of cosmetology ..... \$35.00~~[.]~~
- 8 (h) Cosmetology school ..... \$150.00
- 9 (4) The cosmetology board shall assess fees for the taking of an examination that shall
- 10 not exceed the following:
- 11 (a) Apprentice cosmetologist ..... \$75.00~~[.]~~
- 12 (b) Cosmetologist ..... \$75.00~~[.]~~
- 13 (c) Nail technician ..... \$75.00~~[.]~~
- 14 (d) Instructor of cosmetology ..... \$100.00~~[.]~~
- 15 (e) Cosmetologist out-of-state ..... \$120.00~~[.]~~
- 16 (f) Instructor out-of-state ..... \$200.00
- 17 (5) The fee for retaking an examination or any portion of an examination that an
- 18 applicant has not successfully completed shall not exceed the following:
- 19 (a) Apprentice cosmetologist ..... \$32.00~~[.]~~
- 20 (b) Cosmetologist ..... \$32.00~~[.]~~
- 21 (c) Nail technician ..... \$32.00~~[.]~~
- 22 (d) Instructor of cosmetology ..... \$50.00~~[.]~~
- 23 (e) Cosmetologist out-of-state ..... \$60.00~~[.]~~
- 24 (f) Instructor out-of-state ..... \$100.00
- 25 (6) The fees for the restoration of an expired license where the period of expiration
- 26 does not exceed five (5) years from date of expiration shall not exceed the
- 27 following:

- 1 (a) Apprentice cosmetologist .....\$75.00~~[-]~~
- 2 (b) Cosmetologist.....\$75.00~~[-]~~
- 3 (c) Nail technician.....\$75.00~~[-]~~
- 4 (d) Beauty salon .....\$75.00~~[-]~~
- 5 (e) Nail salon .....\$75.00~~[-]~~
- 6 (f) Cosmetology school .....\$750.00~~[-]~~
- 7 (g) Instructor .....\$100.00~~[-]~~
- 8 (h) Apprentice instructor .....\$75.00

9 (7) The following miscellaneous fees may be assessed and shall not exceed the  
10 following:

- 11 (a) Guest artists .....\$50.00~~[-]~~
- 12 (b)~~[-]~~ Inactive license for cosmetologist, nail technician, and cosmetology  
13 ~~instructor .....\$20.00;~~
- 14 (e)~~[-]~~ Certification fee .....\$20.00~~[-]~~
- 15 (c)~~[-]~~(d) Duplicate license .....\$25.00~~[-]~~
- 16 (d)~~[-]~~(e) Continuing education provider application .....\$300.00;
- 17 (f)~~[-]~~ Where an endorsement~~[-]~~ a reciprocity application is required by the  
18 board .....\$100.00

19 ➔Section 8. KRS 317A.070 is amended to read as follows:

- 20 (1) The cosmetologist board shall hold hearings upon the request of any person directly  
21 affected by the board's decision to refuse to issue or renew a license or to deny,  
22 suspend, probate, fine, or revoke a license. A licensee or applicant shall request a  
23 hearing within thirty (30) days of the board's notice that it seeks to refuse to issue  
24 or renew a license, or to deny, suspend, probate, fine, or revoke a license~~[-]~~ and no  
25 license renewal shall be denied nor shall a license be revoked unless the board in  
26 advance of the hearing]. The hearing shall be conducted in accordance with KRS  
27 Chapter 13B.

1 (2) Rulings of the board as a result of any hearing may be appealed to the Franklin  
2 Circuit Court in accordance with KRS Chapter 13B.

3 ➔Section 9. KRS 317A.090 is amended to read as follows:

4 No license shall be renewed or issued by the cosmetologist board to any cosmetology  
5 school unless such school provides:

6 (1) As a prerequisite of graduation a prescribed course of instruction of not less than  
7 eighteen hundred (1,800) hours in the case of a cosmetology school to be given  
8 within an uninterrupted period with not more than eight (8) hours nor less than four  
9 (4) hours of instruction a day, exclusive of Sundays; except that in the state area  
10 vocational schools the eighteen hundred (1,800) hours of instruction may be offered  
11 according to the schedule for other vocational classes in the school;

12 (2) Courses of instruction in histology of the hair, skin, nails, muscles, and nerves of  
13 the face and neck; elementary chemistry with emphasis on sterilization and  
14 antiseptics, diseases of the skin, hair, and glands, and massaging and manipulating  
15 of the muscles of the upper body; cutting, shaving, arranging, dressing, coloring,  
16 bleaching, and tinting the hair and such other courses as may be prescribed by  
17 administrative regulation of the board;

18 (3) Such facilities, equipment, materials, and qualified instructors and apprentice  
19 instructors as may be required by administrative~~[rules and]~~ regulations of the board  
20 adopted pursuant to this chapter, but in no event shall any cosmetology school have  
21 fewer than one (1) licensed instructor per twenty (20) students present for  
22 instruction;

23 (4) The fee for the initial license of a cosmetology~~[beauty]~~ school shall be one thousand  
24 dollars (\$1,000);

25 (5) No cosmetology school, after being licensed for the first time, shall serve the public  
26 until three hundred (300) hours of instruction has been taught;

27 (6) In compliance with KRS 317A.070, the board may revoke or suspend any license

issued by it if, in the judgment of the board, ~~the~~<sup>[such]</sup> school is not following the requirements as set out in this chapter or such school does not comply with the ~~administrative~~<sup>[rules and]</sup> regulations promulgated by the board in order to regulate the conduct of the school and in order to supervise the proper education of the students.

➔Section 10. KRS 317A.100 is amended to read as follows:

- (1) The cosmetologist board may prescribe reasonable ~~administrative~~<sup>[rules and]</sup> regulations pertaining to the issuance of a license, upon payment of the prescribed license fee, to any person holding a comparable license issued by another state where the laws of ~~that~~<sup>[such]</sup> state, in the opinion of the cosmetologist board, provide comparable professional qualification, health, and safety standards;

- (2) A person who provides certification of licensure from a state board or appropriate agency, whose requirements are not comparable to those of Kentucky, who has held a license in good standing for more than two (2) years, shall be issued a Kentucky license after completion of an application, payment of a fee, and passage of the theory and practical examinations~~[Notwithstanding the provisions of subsection (1) of this section, a license to operate or practice in this state may be refused or denied a holder of a license issued by another state if such state does not extend to the holder of a Kentucky license similar or comparable recognition and opportunity].~~

- (3) A person who provides certification of licensure from a state board or appropriate agency, whose requirements are not comparable to those of Kentucky, who has held a license in good standing for less than two (2) years, shall be able to cure the deficiency of comparability through continuing education or apprenticeship in Kentucky. The board may require completion of an application, payment of a fee, and passage of the theory and practical examinations.

➔Section 11. KRS 317A.120 is amended to read as follows:

- 1 (1) No examination or part of any examination required by this chapter shall be given  
2 unless a quorum of the board is present to supervise such examination.~~[-;]~~
- 3 (2) Examinations given by the board shall cover all phases of~~[-the applicant's]~~  
4 qualifications for the license applied for including skill and technique of applicant  
5 as well as scientific and other knowledge.~~[-;]~~
- 6 (3) Examinations shall be given at regularly prescribed intervals.~~[-but not more~~  
7 ~~frequently than thirty (30) days;]~~
- 8 (4) Examinations shall be given at the principal office of the board.

9 ➔Section 12. KRS 317A.130 is amended to read as follows:

10 No instructor, student, cosmetologist, apprentice, or nail technician shall:

- 11 (1)~~[-Knowingly continue to practice while he has an infectious or communicable~~  
12 ~~disease;~~
- 13 (2)~~]~~ Fail to provide the head rest of each chair with a relaundersed towel or a sheet of  
14 clean paper for each person;
- 15 ~~(2)~~~~[(3)]~~ Fail to place around the patron's neck a strip of cotton, towel, or neck strip so  
16 that the haircloth does not come in contact with the patron's skin;
- 17 ~~(3)~~~~[(4)]~~ Use on one (1) patron a towel that has been used upon another patron, unless  
18 the towel has been relaundersed;
- 19 ~~(4)~~~~[(5)]~~ Use on any patron any razor, scissors, tweezers, comb, bowl, recirculating  
20 pipes~~[-sachet]~~, rubber disc, or part of vibrator or other similar equipment or  
21 appliance that comes into contact with the head, face, hands, feet, or neck of a  
22 patron, until the equipment or appliance has been immersed in boiling water for ten  
23 (10) minutes or in a sterilizing solution and placed in a wet or dry sterilizer until  
24 again used. Only those methods of sterilization that are bacteriologically effective  
25 and approved by the Department for Public Health shall be used; or
- 26 ~~(5)~~~~[(6)]~~ Use on any patron a liquid nail enhancement product containing monomeric  
27 methyl methacrylate, also known as dental acrylic monomer, for the purpose of

1 creating artificial nail enhancements in the practice of cosmetology and nail  
2 technology.

3 ➔Section 13. KRS 317A.140 is amended to read as follows:

4 (1) The board may *fine*, refuse to issue or renew a license, or ~~[may]~~ revoke or suspend  
5 *a license*~~[such licenses as are issued]~~ upon proper showing of *an* applicant's,  
6 *permitee's*, or licensee's:

7 (a) Conviction of a felony;

8 (b) Gross malpractice or incompetence;

9 (c) Mental or physical health that would endanger public health or safety;

10 (d) False or deceptive practice or misrepresentation including advertising;

11 (e) Practicing in an unlicensed shop or in a shop knowing that *the shop*~~[such]~~ is  
12 not complying with this chapter or *administrative* regulations of the board  
13 promulgated pursuant to this chapter;

14 (f) Immoral or unprofessional conduct;

15 (g) Teaching in an unlicensed school or in a school knowing that *the*~~[such]~~ school  
16 is not complying with this chapter or *administrative* regulations of the board  
17 promulgated pursuant to this chapter;

18 (h) Failure to comply with the *administrative*~~[rules and]~~ regulations of the board.

19 ~~(2)[The licensee may have the alternative, subject to approval of the board, to pay in~~  
20 ~~lieu of part or all of the days of any suspension period a payment of not less than~~  
21 ~~twenty five dollars (\$25) per day and not to exceed five hundred dollars (\$500)~~  
22 ~~total. The board shall set the amounts of such payments by regulation.~~

23 ~~(3)}~~ Payments in lieu of suspension collected by the board shall be deposited in the State  
24 Treasury and credited to the general~~[expenditure]~~ fund.

25 ~~(3)~~~~(4)}~~ The board may require retesting of any licensee upon proper showing of gross  
26 malpractice or incompetence on the part of *the*~~[such]~~ licensee.

27 ➔Section 14. KRS 317A.145 is amended to read as follows:

1 (1) The board shall receive complaints concerning any person licensed under this  
 2 chapter~~[the provisions of KRS Chapter 317A]~~ relating to the~~[such]~~ licensee's  
 3 business or professional practices. ~~[Each complaint received shall be placed in a~~  
 4 ~~log, recording the licensee's name, name of complaining party, date of complaint,~~  
 5 ~~brief statement of complaint and its ultimate disposition and shall make such log~~  
 6 ~~available for public inspection.]~~ The board shall investigate all complaints  
 7 concerning any person licensed under the provisions of this chapter~~[KRS Chapter~~  
 8 ~~317A]~~. The board may on its own volition initiate such an investigation and shall  
 9 promulgate administrative~~[such rules and]~~ regulations necessary for the  
 10 administration of the provisions of this section.

11 (2) If upon investigation there appears to be a violation of the provisions of this  
 12 chapter~~[KRS Chapter 317A]~~, the board shall take such action as it deems necessary  
 13 under the provisions of KRS 317A.140.

14 ➔ Section 15. KRS 317A.155 is amended to read as follows:

15 (1) As used in this section, "funeral establishment" means funeral establishment as  
 16 defined in KRS 316.010.

17 (2) Every person practicing~~[holding an active license from the board]~~ as a  
 18 cosmetologist, apprentice, or nail technician, with the exception of a nail technician  
 19 or cosmetologist exclusively practicing manicuring in a licensed barber shop, shall  
 20 practice in an establishment licensed by the board.

21 (3) Notwithstanding the provisions in subsection (2) of this section, persons holding an  
 22 active license from the board as a cosmetologist or nail technician and who practice  
 23 in salons licensed by the board shall be permitted to render services for pay, free, or  
 24 otherwise, to persons who are deceased and in the care of funeral establishments.

25 (4) Cosmetologists and nail technicians who render services authorized in subsection  
 26 (3) of this section shall have the permission of the owner or administrator of the  
 27 establishment where the services are rendered.

1        ➔ Section 16. KRS 317A.990 is amended to read as follows:

2        (1) Any person who violates any provision of this chapter shall be fined not less than  
3        \$50 nor more than \$500 or imprisoned for not less than ten (10) days nor more than  
4        six (6) months, or both such fine and imprisonment.

5        (2) Any person who violates any administrative~~[rule or]~~ regulation lawfully adopted by  
6        the board under the authority contained in this chapter shall be fined not less than  
7        \$25 nor more than \$200 or imprisoned for not less than ten (10) days nor more than  
8        three (3) months, or both such fine and imprisonment.

9        ➔ Section 17. KRS 317B.010 is amended to read as follows:

10      As used in this chapter~~[KRS 317B.010 to 317B.060]~~, unless the context otherwise  
11      requires:

12      (1) "Board" means the Kentucky Board of Hairdressers and Cosmetologists, created in  
13      KRS 317A.030;

14      (2) "Esthetician" means a person who is licensed by the board to engage in esthetic  
15      practices in the Commonwealth of Kentucky;

16      (3) (a) "Esthetic practices" means one (1) or more of the following acts:

- 17              1. Giving facials, including consultation and skin analysis;
- 18              2. Providing makeup artistry, including corrective and camouflage
- 19                      techniques;
- 20              3. Giving skin care;
- 21              4. Removing facial hair~~[by tweezing or waxing]~~;
- 22              5. Beautifying or cleaning the body with the use of cosmetic preparations,
- 23                      antiseptics, tonics, lotions, or creams; or
- 24              6. Providing preoperative and postoperative esthetic skin care, either
- 25                      referred by or supervised by a medical professional;

26      (b) Except when these acts are performed incident to:

- 27              1. Treatment of an illness or a disease;



- 1           2.    Work as a student in a board approved school;
- 2           3.    Work without compensation from the person receiving the service; or
- 3           4.    Work performed by a licensed massage therapist; and

4   (4) "Esthetic salon" means a place where an esthetician performs esthetic practices.

5       ➔Section 18. KRS 317B.015 is amended to read as follows:

6   (1) Estheticians practicing under this chapter~~[KRS 317B.010 to 317B.060]~~ shall not  
 7       perform any of the following: Botox or collagen injections, laser treatments,  
 8       electrolysis, tattoo, permanent makeup, microdermabrasion, or piercing unless  
 9       practicing under the immediate supervision of a licensed physician.

10   (2) This chapter~~[The provisions of KRS 317B.010 to 317B.060]~~ shall not apply to any  
 11       other person licensed, certified, or registered under any other chapter of the  
 12       Kentucky Revised Statutes, or any student within an accredited training program of  
 13       any of these professions. Nothing in this chapter~~[KRS 317B.010 to 317B.060]~~ shall  
 14       be construed to limit, interfere, or restrict the practice, descriptions of services, or  
 15       manner in which that person holds himself or herself out to the public so long as  
 16       that person does not hold himself or herself out as an esthetician unless that person  
 17       is licensed as an esthetician under this chapter~~[KRS 317B.010 to 317B.060]~~.

18       ➔Section 19. KRS 317B.020 is amended to read as follows:

19   (1) The board shall administer and enforce this chapter~~[the provisions of KRS~~  
 20       ~~317B.010 to 317B.060]~~ and shall evaluate the qualifications of applicants for  
 21       licensure and the issuance of licenses.

22   (2) The board may employ inspectors, staff, and other personnel as reasonably  
 23       necessary to carry out this chapter~~[the provisions of KRS 317B.010 to 317B.060]~~.  
 24       The compensation shall be established by the board.

25   (3) The board may promulgate administrative regulations, including but not limited to  
 26       administrative regulations that:

27       (a)   Protect the health and safety of the public;

- 1 (b) Protect the public against incompetent or unethical practice,
- 2 misrepresentation, deceit, or fraud in the practice of esthetics or teaching of
- 3 esthetic practices;
- 4 (c) Set standards for the operation of the schools and salons;
- 5 (d) Protect the students;
- 6 (e) Establish the quality of equipment, supplies, materials, records, and
- 7 furnishings required in esthetic salons or classrooms;
- 8 (f) Establish course work and conduct of school owners, instructors, estheticians,
- 9 esthetic salons, and cosmetology schools conducting classes in esthetic
- 10 practices;
- 11 (g) Set the requirements for the proper education and training of students;
- 12 (h) Establish the qualifications of instructors of esthetic practices;
- 13 (i) Set standards for the hours and courses of instruction in esthetic practices;
- 14 (j) Establish the examinations of applicants for licenses;
- 15 (k) Establish a code of ethics for persons licensed by the board; and
- 16 (l) Establish fees required pursuant to this chapter~~[KRS 317B.010 to 317B.060]~~.
- 17 (4) Administrative regulations pertaining to health and sanitation shall be approved by
- 18 the Cabinet for Health and Family Services~~[Department for Public Health]~~ before
- 19 becoming effective.
- 20 ➔Section 20. KRS 317B.025 is amended to read as follows:
- 21 (1) The board shall issue an esthetician license to any person who:
- 22 (a) Is of good moral character and temperate habit;
- 23 (b) Is at least eighteen (18) years of age;
- 24 (c) Has a high school diploma, General Educational Development (GED)
- 25 diploma, or the results from the Test for Adult Basic Education indicating a
- 26 score equivalent to the twelfth grade of high school~~[education or equivalent]~~;
- 27 (d) Has satisfactorily completed one thousand (1,000) hours of instruction in a

- 1 licensed school approved by the board;
- 2 (e) Has received a satisfactory grade on an examination prescribed by the board to
- 3 determine fitness to practice as an esthetician; and
- 4 (f) Has paid a fee of at least seventy-five dollars (\$75) to be adjusted as needed in
- 5 administrative regulations promulgated by the board.
- 6 (2) The board may issue a license to a cosmetologist who seeks dual licensure as an
- 7 esthetician by offering a dual cosmetologist and esthetician license to individuals
- 8 who meet licensure criteria for a cosmetologist as in KRS Chapter 317A and
- 9 licensure criteria for an esthetician as in this chapter~~[KRS 317B.010 to 317B.060]~~.
- 10 The fee for the dual license~~[and continuing education required]~~ for license renewal
- 11 shall be determined by the board as promulgated in administrative regulations.
- 12 Nothing in this chapter~~[KRS 317B.010 to 317B.060]~~ shall prohibit separate
- 13 licensure of cosmetologists and estheticians.
- 14 (3) The board shall issue licenses as follows:
- 15 (a) A license to operate an esthetic salon shall be issued to any licensed
- 16 esthetician upon receipt of:
- 17 1. The completed application; and
- 18 2. A fee of at least one hundred twenty-five dollars (\$125) to be adjusted as
- 19 needed in administrative regulations promulgated by the board.
- 20 (b) If an owner is not a licensed esthetician, the owner shall have a licensed
- 21 esthetician manage the esthetic salon at all times. A new license shall be
- 22 purchased if the salon's owner, manager, or location changes.
- 23 (c) Licensed esthetic salons shall have the furnishings and salon equipment
- 24 required pursuant to administrative regulations adopted by the board.
- 25 (d) Any licensed esthetician who leases or rents space or pays a fee to do business
- 26 in a beauty salon or esthetic salon shall be considered an independent owner
- 27 and shall meet the qualifications for the respective salon owner as set out in

- 1 paragraphs (a), (b), and (c) of this subsection.
- 2 (e) The board may refuse to issue a license if the applicant fails to comply with
- 3 this chapter~~[the provisions of KRS 317B.010 to 317B.060]~~ or the
- 4 administrative regulations promulgated by the board.
- 5 (4) The board shall issue a license to teach esthetic practices to any person who:
- 6 (a) Is of good moral character and temperate habit;
- 7 (b) Is at least eighteen (18) years of age;
- 8 (c) Has a high school diploma, General Educational Development (GED)
- 9 diploma, or the results from the Test for Adult Basic Education indicating a
- 10 score equivalent to the twelfth grade of high school~~[education or equivalent];~~
- 11 (d) Holds a current cosmetologist and instructor's license;
- 12 (e) Has~~[completed eight (8) continuing education hours in esthetics or has]~~
- 13 completed fifty (50) hours in esthetics training within the last two (2) years;
- 14 (f) Has received a satisfactory grade on the examination for the teaching of
- 15 esthetics as prescribed by the board; and
- 16 (g) Has paid a fee promulgated by the board in administrative regulations.
- 17 (5) The board may issue a license to teach esthetic practices to an individual with two
- 18 (2) or more years' experience in teaching esthetic practices in another jurisdiction
- 19 who meets the requirements of paragraphs (a), (b), and (c) of subsection (3) of this
- 20 section.
- 21 (6) Courses in esthetic practices may be taught at any licensed cosmetology school that
- 22 complies with the administrative regulations promulgated by the board under this
- 23 chapter~~[KRS 317B.010 to 317B.060]~~.
- 24 (7) Applications for esthetician examinations required by this section shall be
- 25 accompanied by an examination fee of at least one hundred twenty-five dollars
- 26 (\$125) to be adjusted as needed in administrative regulations promulgated by the
- 27 board.

1       ➔ Section 21. KRS 317B.030 is amended to read as follows:

2       (1) ~~[Licenses issued by the board under KRS 317B.010 to 317B.060 shall be renewed~~  
3       ~~between July 1 and July 31 of each year, if the applicant provides proof of~~  
4       ~~continuing education as determined by the board by promulgation of an~~  
5       ~~administrative regulation.~~

6       ~~(a) Estheticians shall provide proof of six (6) clock hours of continuing~~  
7       ~~education.~~

8       ~~(b) Instructors of esthetic practices shall provide proof of eight (8) clock hours of~~  
9       ~~continuing education.~~

10       ~~(c) Continuing education credit may be earned in other states and countries that~~  
11       ~~license estheticians, if approved by the board.~~

12       (2) All applications for license renewal shall comply with this chapter ~~[the provisions~~  
13       ~~of KRS 317B.010 to 317B.060]~~ and the administrative regulations promulgated by  
14       the board.

15       (2) ~~(3)~~ Any license application postmarked after July 31 shall be considered expired.  
16       The board shall promulgate through administrative regulations the appropriate  
17       restoration fee based on length of time a license has been expired for a period up to  
18       five (5) years. After five (5) years, restoration fees shall be required in addition to an  
19       examination, additional course work, or both.

20       ➔ Section 22. KRS 317B.035 is amended to read as follows:

21       (1) No examination or part of any examination required by this chapter ~~[KRS 317B.010~~  
22       ~~to 317B.060]~~ shall be given unless a quorum of the board is present to supervise  
23       that examination.

24       (2) Examinations given by the board shall cover all phases of the applicant's  
25       qualifications for the particular license, including the skill and technique of the  
26       applicant, as well as scientific and other knowledge.

27       (3) Examinations shall be given at regularly prescribed intervals as set by the board.

1 (4) Examinations shall be given at the principal office of the board or at a location  
2 approved by the board.

3 ➔Section 23. KRS 317B.045 is amended to read as follows:

4 (1) The board may refuse to issue or renew a license, or may suspend, revoke, impose  
5 probationary conditions upon, impose an administrative fine, issue a written  
6 reprimand or admonishment, or any combination thereof regarding proof of any  
7 applicant's or licensee's:

8 (a) Conviction of a felony;

9 (b) Gross malpractice or incompetence;

10 (c) Mental or physical health that would endanger public health or safety;

11 (d) False or deceptive practice or misrepresentation including advertising;

12 (e) Practicing in an unlicensed salon or in a salon knowing that the practice is not  
13 in compliance with this chapter~~[KRS 317B.010 to 317B.060]~~ or the  
14 administrative regulations of the board promulgated pursuant to this  
15 chapter~~[KRS 317B.010 to 317B.060]~~;

16 (f) Immoral conduct, unprofessional conduct, or a violation of the code of ethics;

17 (g) Teaching in an unlicensed school or in a school knowing that the school is not  
18 in compliance with this chapter~~[KRS 317B.010 to 317B.060]~~ or the  
19 administrative regulations of the board promulgated pursuant to KRS  
20 317B.010 to 317B.060; or

21 (h) Failure to comply with this chapter~~[KRS 317B.010 to 317B.060]~~ or the  
22 administrative regulations promulgated by the board.

23 (2) Payments in lieu of suspension collected by the board shall be deposited in the State  
24 Treasury and credited to the trust and agency account of the board.

25 (3) The board may require retesting of any licensee upon proper showing of gross  
26 malpractice or incompetence on the part of the licensee.

27 (4) Three (3) years from the date of a revocation, any person whose license has been

1       revoked may petition the board for reinstatement. The board shall investigate the  
 2       petition and may reinstate the license upon a finding that the individual has  
 3       complied with any terms prescribed by the board, including retesting, and is again  
 4       able to competently engage in the practice of esthetics.

5       ~~(5) (a) The board may issue a written admonishment to the licensee, when in the~~  
 6       ~~judgment of the board:~~

7       ~~1. An alleged violation is not of a serious nature; and~~

8       ~~2. The evidence presented to the board after the investigation and~~  
 9       ~~appropriate opportunity for the licensee to respond provides a clear~~  
 10       ~~indication that the alleged violation did in fact occur.~~

11       ~~(b) A copy of the admonishment shall be placed in the permanent file of the~~  
 12       ~~licensee.~~

13       ~~(c) The licensee may file a response to the admonishment within thirty (30) days~~  
 14       ~~of its receipt. A copy of the licensee's response shall be placed in the~~  
 15       ~~permanent licensure file.~~

16       ~~(d) The licensee may alternatively, within thirty (30) days of the receipt, file a~~  
 17       ~~request for hearing with the board.~~

18       ~~(e) Upon receipt of this request the board shall set aside the written~~  
 19       ~~admonishment and set the matter for hearing pursuant to the provisions of~~  
 20       ~~KRS Chapter 13B.~~

21       (6) At any time during the investigative or hearing processes, the board may enter into  
 22       an agreed order or accept an assurance of voluntary compliance with the licensee  
 23       which effectively deals with the complaint.

24       (6)(7) The board may utilize mediation as a technique in reasonably handling  
 25       disciplinary matters. The board may appoint any member or members of the board,  
 26       any staff member, or any other person or combination thereof to serve in the  
 27       mediation process.

1 ~~(7)~~~~(8)~~ The board may reconsider, modify, or reverse its probation, suspension, or  
 2 other disciplinary action.

3 ➔Section 24. KRS 317B.050 is amended to read as follows:

4 (1) The board shall receive complaints concerning any person licensed under this  
 5 chapter~~[the provisions of KRS 317B.010 to 317B.060]~~ relating to the licensee's  
 6 business or professional practices.

7 ~~(2)~~~~[Each complaint received shall be placed in a log, recording the licensee's name, the~~  
 8 ~~name of complaining party, date of complaint, and a brief statement of the~~  
 9 ~~complaint and its ultimate disposition, and the board shall make the log available~~  
 10 ~~for public inspection.~~

11 ~~(3)~~ The board shall review all complaints concerning any person licensed under this  
 12 chapter~~[the provisions of KRS 317B.010 to 317B.060]~~.

13 ~~(3)~~~~(4)~~ The board may initiate an investigation on any complaint received or on its  
 14 own volition and shall promulgate any administrative regulations necessary for the  
 15 administration of the provisions of this section.

16 ~~(4)~~~~(5)~~ If, upon investigation, there appears to be a violation of this chapter~~[the~~  
 17 ~~provisions of KRS 317B.010 to 317B.060]~~, the board shall take the action it deems  
 18 necessary under the provisions of KRS 317B.045.

19 ➔Section 25. KRS 317B.055 is amended to read as follows:

20 (1) The board, before suspending, revoking, imposing probationary or supervisory  
 21 conditions upon, imposing an administrative fine, issuing a written reprimand, or  
 22 any combination of actions regarding any license under this chapter~~[the provisions~~  
 23 ~~of KRS 317B.010 to 317B.060]~~, shall set the matter for hearing pursuant to the  
 24 provisions of KRS Chapter 13B.

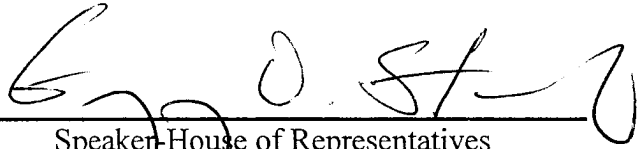
25 (2) After denying an application under this chapter~~[the provisions of KRS 317B.010 to~~  
 26 ~~317B.060]~~,~~[or issuing a written admonishment,]~~ the board shall grant a hearing  
 27 pursuant to the provisions of KRS Chapter 13B.

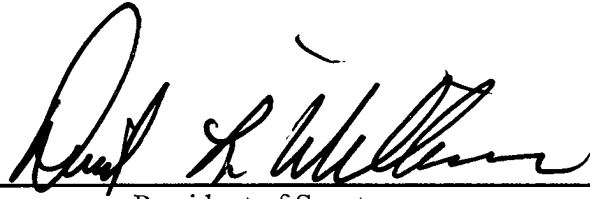


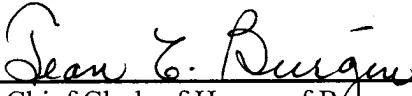
- 1 (3) A licensee or applicant aggrieved by a disciplinary action of the board may bring an  
2 action in Franklin Circuit Court pursuant to the provisions of KRS Chapter 13B.

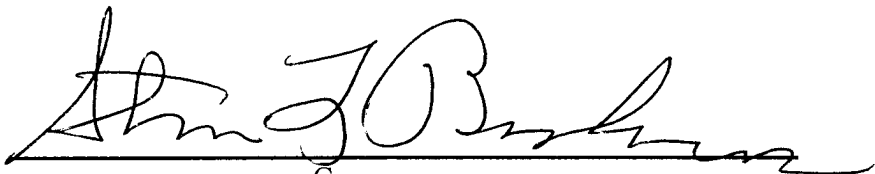
3 ➔Section 26. The following KRS section is repealed:

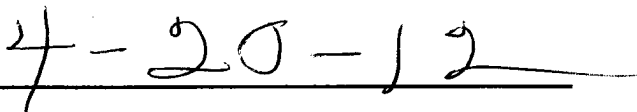
4 317A.110 Assistance to board.

  
\_\_\_\_\_  
Speaker House of Representatives

  
\_\_\_\_\_  
President of Senate

Attest:   
\_\_\_\_\_  
Chief Clerk of House of Representatives

Approved   
\_\_\_\_\_  
Governor

Date   
\_\_\_\_\_